

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
Brian Thorne)	
Traci Thorne)	
)	Case No. 19-14197-KHK
)	Chapter 7
Debtors)	

NOTICE OF MOTION AND HEARING

Santander Consumer USA Inc. has filed papers with the court to move the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must **also** mail a copy to the persons listed below.

- ☐ Attend the hearing scheduled to be held on March 4, 2020 at 9:30 AM in United States Bankruptcy Court, 200 South Washington Street, 3rd Floor, Courtroom III, Alexandria, Virginia 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

Sara A. John, VSB #48425
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452
757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

- ☐ A copy of any written response must be mailed to the following persons:

Clerk of Court
United States Bankruptcy Court
200 S. Washington Street
Alexandria, Virginia 22314

Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: January 29, 2020

Signature, name, address and telephone number
of person giving notice:

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452
757-498-9600
Virginia State Bar Number 48425
Counsel for Santander Consumer USA Inc.

Certificate of Service

I hereby certify that on January 29, 2020, I mailed or electronically served a true copy of this Notice of Motion to: Brian Thorne, 46804 Rabbitrun Terrace, Sterling, VA 20164; Traci Thorne, 46804 Rabbitrun Terrace, Sterling, VA 20164; Donald F. King, Trustee, 101 Constitution Avenue, N.W., Suite 900, Washington, DC 20001; and Ashvin Pandurangi, Counsel to Debtors, 13002 Occoquan Road, Woodbridge, VA 22192.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:

Brian Thorne
Traci Thorne

Case No. 19-14197-KHK

Debtors.

Chapter 7

Santander Consumer USA Inc.,

Plaintiff,

v.

Brian Thorne,
Traci Thorne,
and
Donald F. King, Trustee,

Defendants.

MOTION FOR RELIEF FROM STAY

NOW COMES Santander Consumer USA Inc., by counsel, and states as follows as its Motion for Relief from Stay against Debtors:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. That on December 31, 2019, Debtors filed a petition for relief under 11 U.S.C. Chapter 7.
3. Debtors herein own an interest in the following described motor vehicle: a 2013 Ford Escape,

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VIN 1FMCU0GX9DUD84049 (the “vehicle”).

4. Plaintiff is a secured creditor of Debtors, being secured by a lien on the vehicle, which lien has been recorded on the certificate of title to the vehicle.

5. That at the time of the Chapter 7 petition in bankruptcy, Debtors were and continue to be in default under the terms of the loan with Plaintiff in that payments due thereunder are delinquent for the September 16, 2019 through January 16, 2020 payments with arrearages totaling \$3,991.99. The payoff on the loan is approximately \$21,081.63. The vehicle was repossessed pre-petition and remains under Plaintiff’s control. Additionally, Plaintiff has incurred attorney’s fees and costs in the filing of this Motion.

6. That the vehicle has a NADA retail value of \$7,225.00. There is no equity in the vehicle that would inure to the benefit of the bankruptcy estate.

7. That Plaintiff lacks adequate protection.

8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001 (a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay as to the above-described property pursuant to 11 U.S.C. § 362 so that it may proceed in accordance with state law.

Santander Consumer USA Inc.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

Certificate of Service

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/s/ Sara A. John

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